

UNITED STATES DISTRICT COURT, EASTERN
DIVISION, WILL COUNTY

JH

DENNIS Taylor #R68729
Plaintiff,

v

1:17-cv-0441

Judge Thomas M. Durkin

Magistrate Judge Sheila M. Finnegan

PC5

IDOC,

Randy Pfister, Warden

Karen Rabideau, Placement Officer

Sgt. Deatrow, F House Ass't. Admin., et al.
Defendants

I. JURISDICTION & VENUE

RECEIVED

1-19-17
JAN 19 2017

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

1. This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under Color of State law, of a right secured by the Constitution of the United States. The Court has jurisdiction under 28 U.S.C. Section 1313 and 1343(a)(3). Plaintiff seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202. Plaintiff claims for injunction relief are authorized by 28 U.S.C. Section 2283 and 2284 Rule 65 of the Federal Rule of Civil Procedure.

2. The Will County District Court of Illinois is an appropriate Venue under 28 U.S.C. Section 1391 (b)(2).

because it is where the events giving rise to this claim occurred.

II PLAINTIFF(S)

3. Plaintiff, Dennis Taylor was at times mentioned herein a prisoner of the State of Illinois in the custody of the Illinois Department of Corrections. He is currently confined in Menard Correctional Center in Menard, Illinois, P.O. Box 1000, 62259.

III DEFENDANT(S)

4. Defendant Randy Pfister is Warden of Stateville Correctional Center. He is legally responsible for the overall operation of the institution, and for the welfare of all the inmates in Stateville Correctional Center in State of Illinois.

5. Defendant Sgt. Mack Deethrow is a Correctional Officer (Sgt) at Stateville CC, and at time mentioned in this Complaint held the rank as assistant administrator in F-house.

6. Defendant Karen Rabideau is a Correctional Officer of the Illinois Department of Corrections who at all times mentioned, held the rank of Placement Officer, and was assigned to placement office at time mentioned in this Complaint at Stateville CC. At all times, each defendant acted under color of State law, and IDOC jurisdiction.

III FACTS

7. ON approx. 1/5/16 plaintiff, Dennis Taylor was transferred from Stateville CC general population to Segregation, F-house, Single Cell # 154,

pending a disciplinary hearing.

8. ON approx. 11/12/15 inmate Peoples #K51695 was moved from another Seg. Cell into Cell #154 with Plaintiff. He boast to plaintiff that he held a high position with the Gangster Disciples (G.D.'s) and was in Seg. for threatening to beat several inmates to death with his fan motor. He showed plaintiff the disconnected fan motor he brought with him to Seg. and warn plaintiff that he would not have a problem using it on him (plaintiff) if he had to. Upon information and belief, Peoples has a history of abusive behavior toward his older cell mates, in which plaintiff is 15 years his senior. Said information will be verified upon discovery.

9. ON approx. 11/13/15 Plaintiff wrote placement, and F-house Sgt Deathrow requesting to be moved out of the cell with Peoples, because of his repeated threats toward plaintiff. (See Exhibit A).
10. ON 11/17/15, at approx. 9:30 AM, while plaintiff was being taken to his disciplinary hearing, he ran into Sgt Deathrow, and asked him did he received the letter plaintiff sent him - he said he did. Plaintiff explained to him again that he needed to be moved out of the cell with Peoples, because of his repeated threats toward him. Sgt Deathrow asked Plaintiff "Do you know how to fight?" I told him that I did not want to fight Peoples - I just wanted to move into another cell. He told me that he wasn't going to move me, so I need to "man up," go back to my cell, and deal with it.

11. ON 11/18/15, I sent an emergency grievance to the Warden requesting to be moved out of Cell # 154 with Peoples, because of the repeated threats on his life from Peoples. See hand written copy of grievance, Exhibit A.

12. ON 11/27/15 inmate Peoples put his fan motor in a pillow case, and struck Plaintiff on the head several times. Plaintiff told Peoples that he was going to report what happened to Stateville Officials. He told me that if I told the police what happened, he would have his mob hit me. See Exhibit L. I feared him, because I witnessed the power he had within his mob, and the violent form of revenge they carried out on individuals. So, when Peoples told Officer Subico that I fell and hit my head on the toilet, I went along with the story he made up.

out of fear for my life. See Exhibit L. I was rushed to an outside hospital, Saint Joseph Hospital, Solvang, Illinois, and received 38 staples in my head. I was admitted in Stateville's hospital from 11/28/15 thru 1/5/16 (five weeks) for treatment to my head and observation. I'm currently experiencing headaches and blurred vision behind the assault. See medical records ~~see~~ Exhibit M - ... (upon request)

13. ON approx. 12/14/15, Plain staff wrote Mrs. Rabideau of Placement, and informed her that I was assaulted by Peoples, and did not come forward sooner, because Peoples had threatened my life. I asked her to pass said information to Officials (F.A.).

14. ON approx. 12/24/15 and 1/11/16, I was interviewed by -

I.A. Officers: Vengara (and unknown I.A. Officer) on 12/24/15, and Supervisor Sullivan and I.A. Officer Sipia on 1/11/16. I informed I.A. in both interviews that I was assaulted by Peoples and the reason I wanted to come forward was because Peoples threaten to have his mob hit me if I snitched on him. See Exhibit L. I.A. told me in both interviews that the evidence they gathered matched my details of the assault. I.A. told plaintiff that they had reasons to believe the Saw Mower that was confiscated from Peoples was the alleged weapon used in the assault. The alleged evidence can be obtained through discovery.

15. ON 1/12/16, upon information and belief, Peoples was interviewed by I.A. Sullivan and Sipia, and was given an alternative to —

agree to fighting with Plaintiff or he will be charged with an assault. The alleged individuals who provided said information would not give an affidavit for fear of retaliation from Stateville Officers.

16. ON approx. 1/18/16 Plaintiff was issued a disciplinary report for fighting Peoples. See Exhibit L.

17. ON 1/28/16 the said ticket was expunged by Lt. Charles Best of the Adjustment Committee upon review of evidence and pictures of the alleged weapon (Fav Mold) Peoples allegedly used in the assault. Plaintiff explained to Committee why he wanted to come forward with the information for Peoples had threatened to have his mob hit him.

18. ON approx. 2/24/16 and 5/12/16 Stateville Officers denied Plaintiff's

Permanent protective custody requests.

19. ON approx. 4/20/16 and 6/15/16, Plaintiff appealed the denials to IAOC Administrative Review Board (ARB) and was denied permanent protection as well. IN spite of the fact that my need for P.C. originated from me being assaulted by Peoples and reported it to Stateville Officials. IAOC Officials were given the Name of the G.A. Mob and specific individuals behind these threats. See Exhibit E.

20. ON approx. 2/15/16, 5/21/16, and 6/30/16, Plaintiff was forced to sign into P.C. after coming in direct contact with Peoples and multiple members of his mob.

The G.A. mob threatened to kill me
 if Plaintiff did not sign back
 into P.C. See Exhibit E + L.

21. ON approx. 9/1/16 Plaintiff
 signed back in P.C. due to repeated
 threats he received from the
 G.A. mob. Plaintiff informed Unit
 Staff Counselor, and Jot, and
 turned the threatening letters
 over to Stateville Officials.
 Plaintiff was denied permanent
 P.C. by Stateville and ARB. He
 was told by ARB that, "Your
 rationale for needing P.C. is
 centered around an altercation
 you had Nov. 17, 15 with Offender
 Peoples." This information
 is contrary to facts and the
 expunged disciplinary report
 Plaintiff received. See Exhibit L.

Plaintiff is in temporary P.C.
 pending the filing of this
 petition.

H

22. ON November 11, 2016, while in protective custody at Stateville Correctional Center, plaintiff was transferred to Menard Correctional Center. He was taken out of PC and placed in general population.

IV EXHAUSTION OF LEGAL REMEDIES

Plaintiff, Dennis Taylor exhausted the prisoner's grievance procedures available at Stateville Correctional Center, and the Administrative Review Board. Whereas:

23. ON 11/18/15, plaintiff sent an emergency grievance to the Warden requesting to be moved out of Cell # 154, because inmate Peoples had threatened his life.

Plaintiff did not receive a response to said grievance, and was assaulted by inmate Peoples before he could appeal to the ARB. See Copy of said grievance (handwritten). Exhibit A. (Plaintiff met the exhaustion requirement of 28 U.S.C. § 2675(a) because the administration did not respond to the grievance within six months).

24. ON 2/18/16, plaintiff filed a grievance concerning an expunged disciplinary report he received for allegedly fighting inmate Peoples to Stateville CC and the Administrative Review Board (ARB). Plaintiff noted in the grievance that he never should have received a ticket, because he was assaulted by inmate Peoples, and had to be rushed to the outside hospital, and received 38 staples in the head.

Stateville response was that; "Offender Peoples has been added to your RSF list, and "you are currently group 4 P.C." See Exhibit B. ARB stated that; "No justification provide for additional consideration," and "Offender is currently in P.C." ^{see Ex-}hibit B.

25. ON 4/27/16, Plaintiff filed a grievance with Stateville CC that informed it that the G.D's whom had threatened him was still threatening him, and had not been placed on plaintiff keep separate list. I asked to be kept in P.C. until the situation is resolved. I was told that; "Once P.C. decision reach the ARB —

it is out of the institution's jurisdiction." See Exhibit C.

26. ON 5/1/16, Plaintiff filed an emergency grievance with Stateville CC, and ARB after he was released from P.C., and came in direct contact with inmate Peoples and members of his mob. Stateville response was; "No; all offenders should submit this grievance in the Normal manner." See Exhibit D. ARB stated: "Offender needs to contact his Counselor and F.A. regarding protective custody issues." See Exhibit E.

27. ON 6/15/16, ARB, without giving plaintiff a formal hearing-

denied plaintiff permanent P.C., and stated: "I find no new information which would warrant a reconsideration of the past ARB hearings." See Exhibit F.

28. ON 7/12/16, after not receiving a response from plaintiff grievance that he had given to Counselor ~~on~~ concerning an emergency grievance that was sent to the warden concerning said matters, plaintiff sent another grievance. The response ~~was~~ stated: "Per grievance officer, that grievance was returned to the Counselor on 2/28/16 to offender, the issue it was never —

returned to their Office. ⁹⁹
See Exhibit G.

29. Plaintiff, within the same month, forward a grievance to the ARB, and its response was that: ⁶⁶ "Grievance dated 1/18/15 and 2/18/16 are 60 days past time frame without facility response." ⁹⁹ See Exhibit G.
Notwithstanding, plaintiff was admitted in hospital from 11/29/15 thru 1/15/16 and was not able to send the second grievance until 2/28/16 to inquire why his 11/18/15 grievance had not be answered. See Exhibit G.

30. On 8/8/16, Plaintiff sent an emergency grievance to the warden —

requesting permanent P.C. after he was threatened by multiple G.D.'s for snitching on inmate Peoples #K51695 for assaulting him on 11/27/15. The warden's response was that: "No; emergency is not substantiated." See Exhibit ~~II~~.

31. ON 8/15/16, Plaintiff sent a grievance to the Counselor concerning said matter, and was told: "Per Intel, your request has been received, and will be processed in the order of receipt." See Exhibit I.

32. ON 8/15/16 and 11/1/16 ARB denied plaintiff permanent protection custody from offender Peoples and his Mob (G.D.'s) after plaintiff informed Stateville Officials that Peoples assaulted him on 11/27/15.

33. ON 11/27/16, AKB denved plaintiff P.C. again, and stated: "During each of these reviews, your rationale for needing P.C. is center around an altercation you had Nov. 27, 2015 with offender Peoples." See Exhibit R, J+K. This information is contrary to facts, and the expunged disciplinary report plaintiff received on 1/28/16. See Exhibit L.

V. LEGAL CLAIMS

Plaintiff reallege and incorporate by reference paragraphs 1-33 that:

34. The assault, unsafe conditions, and deliberate indifference violated plaintiff, JENNIS Taylor's rights -

and constituted cruel and unusual punishment, a due process violation under the Eight and Fourteenth Amendment to the United States Constitution.

35. The plaintiff has no ~~plain~~ adequate or complete remedy at law to redress the wrong described herein. Plaintiff has been and will continue to be irreparably injured by the conduct of the defendants unless this Court grants the declaratory and injunctive relief which plaintiff seeks.

VI. PRAYER FOR RELIEF

Wherefore, plaintiff respectfully prays that this Court enter

Judgment granting plaintiff:

36. A declaration that the acts and omissions described herein violated Plaintiff's rights under the Constitution and law of the United States.

37. A preliminary and permanent injunction ordering defendants Stateville Official Warden Pfister (current warden of Menard CC) "et al" to: grant permanent protection custody from the bad mob whom consistently threatened to harm plaintiff for snitching on one of its members, Peoples after he assaulted him on 11/27/15 at Stateville Correctional Center.

Plaintiff was transferred to Menard CC on 11/14/16. Offender Peoples was also transferred to Menard CC on 11/24/16. Plaintiff ran into Peoples on 11/25/16 for we were housed on the same gallery (W-1 gallery) Peoples made threatening comments toward Plaintiff, and stated that he will have his mob (G.D.'s) "Fuck you up."

38. Compensatory damages in the amount of \$20,000 dollars against each defendant, jointly and severally.

39. Punitive damage in the amount of \$20,000 dollars against each defendant.

40. A jury trial on all issues triable by jury.
41. Plaintiff's cost in this suit.
42. Any additional relief this Court deems just, proper, and equitable.
43. Permit plaintiff to have Video/telephone Court appearance, and not be writ to Court unless for mandatory appearances.

VERIFICATION

I have read the foregoing Complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and as to those, I believe them to be true. I certainly under penalty of perjury that the foregoing is true and correct.

Subscribed and sworn to before me on the

10th day of January, 2017

Shane W. Gregson
Notary Public



Robert Stuyler
Plaintiff
#R68729
F.O. Number
P.O. Box 1000, Menard, IL 62259
Address
Date: January 9, 2017